April 28, 2020

Dear Representative,

ACEC of Pennsylvania (ACEC/PA) is the professional organization comprised of more than 13,000 employees representing over 125 independent engineering firms throughout the commonwealth. These firms employ engineers, land surveyors, scientists, technicians, or other professionals and administrative support personnel in disciplines including civil, structural, mechanical, electrical, environmental, industrial, surveying and mining. We are the largest statewide organization of engineers engaged in the practice of consulting engineering.

I write to you as we oppose House Bill 2172 which is scheduled for a House Education Committee vote. We have and continue to work closely with our peer associations including AIA and PSPE who also oppose this legislation (HB 2172). This bill in its current form would eliminate the long-standing qualifications-based selection (QBS) system used by 46 state governments, all federal agencies, and many local government entities. QBS is required for all federal projects as described by the Brooks Architect/Engineer Act (Public Law 92-582, 40 U.S.C. 541 et seq.) and ensures that federal agencies — and the taxpayer — receive highly technical architect and engineering services from the most experienced and most qualified firms at a fair and reasonable cost.

QBS is established so that qualifications, not price, should be the determining factor in selecting an architect or engineer. While price has a place in the process, fee negotiation should be at the end of the selection process.

ACEC national states, "The services provided by design firms are the single most important factor in determining a project’s overall construction and life-cycle costs. The fee for the technical skills and experience provided by a high-quality firm amount to approximately 1% of the total cost of the project. Yet these services are critical to determining the other 99% of the project’s life-cycle costs, as well as the quality of the completed project. QBS creates a relationship that allows the owner and design professional firm to work together to develop the project scope and determine alternative materials and designs that will minimize long-term operational and maintenance costs. By identifying these costs early in the project, owners receive a clear indication of the overall financial requirements."
Projects procured on a low-bid basis may save owners a small amount on upfront design costs, but can lead to significantly higher construction costs, increased change orders and higher maintenance costs over the life of the project. The long-term savings achieved by placing an emphasis on quality outweigh potential savings in procuring design services based on low-bid.” As one of the 52 state federations of ACEC national, ACEC/PA strongly believes in QBS.

ACEC/PA members firmly believe that HB 2172 is a cause for great concern as this is movement in the wrong direction for public procurement of design professional services and Pennsylvania’s taxpayers. We understand and recognize there should be modifications and see challenges under the current system and for this reason, we eagerly offer assistance toward a solution that corrects any deficiencies and helps to modernizes the process. HB 2172 eliminates QBS which is not the answer. We can provide resources, data, and further information on QBS and would like to offer potential alternate language to HB 2172 that might achieve the intent of modernizing the project delivery process for the Pennsylvania State System of Higher Education. Please feel free to contact me directly to discuss and let me know if I can be helpful in any way.

Sincerely,

Leeann Sherman
Executive Director